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HIGH COURT OF CHHATTISGARH: BILASPUR

Review Petition No. 77 of 2007

Applicant — Anjani Kumar Pandey, S/o. Shri Babulal Pandey, aged about 31 years, R/o. Darripara, Konhargarh, Janpad Panchayat-Pamgarh, District-Janjgir Champa (CG).

Versus

Respondents

1) State of Chhattisgarh, through the Secretary, Panchayat and Social Welfare Department, D.K.S. Bhawan, Mantralaya, Raipur (CG).

2) Collector, Janjgir-Champa Cum-Mission Director, District Janjgir-Champa (CG).

3) Chief Executive Officer, Janpad Panchayat, Pamgarh, District –Janjgir-Champa CG).

4) Gram Panchayat-Konhargarh, Janpad Panchayat, Pamgarh, District Janjgir-Champa (CG), through its Secretary/Sarpanch.

(Review Petition under Chapter VI Rule 75/76 of the High Court of Chhattisgarh Rules, 2005 for review of order dated 20-2-2007 passed in W P.No.3144/2003)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri Ashish Shrivastava, counsel for the applicant.

ORAL ORDER

(Passed on 20th November, 2007)

This review petition is filed by the writ petitioner, seeking review of the order dated 20-2-2007 passed by this Court in Writ Petition No. 3144 of 2003 (Anjani Kumar Pandey Vs. State of Chhattisgarh and others).

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2) The facts, in nutshell, are that this court vide order dated 20-2-2007, dismissed the writ petition of the petitioner holding that, the appointment of the petitioner as second Guruji in the school, was not in accordance with the constitutional scheme as the second Guruji should necessarily be a lady candidate, therefore, the petitioner had no right to the post. Aggrieved by the said order, the petitioner preferred an appeal being Writ Appeal No.240 of 2007, which was dismissed as not pressed on 14-9-2007, with liberty to file review petition. Thus, this review petition.

3) Learned counsel appearing for the petitioner in this review petition has not raised any new grounds, except bringing to the notice of this Court the Minutes of Resolution dated 18-9-2002, passed by the Standing Education Committee of the Janpad Panchayat, Pamgarh (Annexure P/10). The sole contention of the petitioner with regard to the Minutes of Resolution is that, vide subject No.7 of the said resolution, the name of the petitioner was unanimously recommended for appointment to the post of second Guruji and the appointment order of the petitioner dated 1-10-2002 was issued in his favour. Learned counsel further submits that while dismissing the writ petition, the petitioner, in spite of due diligence, was not be able to obtain and file/place before the Hon'ble Court the Minutes of Resolution dated 18-9-2002 (Annexure P/10).

4) Challenge in the main petition was to quash and set aside the order dated 27-1-2003 whereby the appointment of the petitioner by order dated 17-1-2003 was cancelled. The petitioner was appointed along with others by order dated 17-1-2003 (Annexure P/5 to the Writ Petition) as second Guruji in the school. The appointment of the

petitioner as second Guruji was made on the basis of certain resolution, which does not confer any right on the petitioner to be appointed as second Guruji. According to the petitioner, there was a resolution dated 18-9-2002 (Annexure P/10) which is being produced along with review petition. Resolution by itself is not operative, but it has to be followed by some order. The order of appointment of the petitioner dated 17-1-2003 was cancelled by order dated 27-1-2003, which was impugned in the main petition. This court, after hearing all the parties and considering the relevant provisions of law and scheme, held that the appointment of the petitioner on the basis of order dated 17-1-2003 (Annexure P/5) was not in accordance with the constitutional scheme.

5) The petitioner has not raised any other ground. The resolution dated 18-9-2002 (Annexure P/10) came into possession of the petitioner after disposal of the writ petition, which cannot alter the decision passed in the writ petition.

6) On perusal of the papers and documents appended thereto, there is no apparent error on the face of records. So far as the ground for review petition is concerned, the petitioner has not mentioned any other ground except as stated above in the review petition. Moreover, the pleadings contained in the review petition are same as that of the writ petition which was dismissed by this Court after examining all the aspects in detail.

7) The petitioner has not pointed out any manifest error in the record. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, even in exercise of

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review jurisdiction by the High under Article 226 of the Constitution of India.

8) Applying the well settled principles of law to the present case, no ground is made out for review of the order dated 20-2-2007 passed in Writ Petition No. 3144/2003. Under the garb of the review application, the petitioner seeks an opportunity to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law..

9) As a result and in view of the foregoing, the review application is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Raju